III. Remarks

A. Status of the Application

Claims 1, 2, 6-12 and 17-21 are pending herein.

Claims 1 and 11 have been amended. A dependent claim 22 and an independent claim 23 have been added.

Reconsideration of this application in light of the following remarks is respectfully requested.

B. Rejections Under 35 U.S.C. § 103(a)

Claims 1, 2, 6-9, 11, 12 and 17-20 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 4,336,145 to Briscoe ("Briscoe '145") in view of U.S. Patent No. 4,536,297 to Loftin ("Loftin '297"). As noted above, claims 1 and 11 have been amended, and claim 22 has been added. Insofar as it may be applied to the present claims, this rejection is respectfully traversed.

Claim 1 is in independent form and is directed to a method of forming a high viscosity aqueous treating fluid. The method of claim 1 includes (a) preparing a liquid gel concentrate comprised of at least one unhydrated hydratable polymer dispersed in an aqueous formate solution, and inhibiting hydration of the at least one unhydrated hydratable polymer using formate alone, or together with an inhibitor in the gel concentrate, and the at least one unhydrated hydratable polymer yielding viscosity upon hydration, the unhydrated hydratable polymer comprising a polysaccharide selected from the group consisting of guar gum, hydroxypropyl guar, depolymerized hydroxypropyl guar, carboxymethyl guar and carboxymethylhydroxypropyl guar, and being present in the concentrate in an amount of from about 100 to about 6000 lbs/1000 gals. of the aqueous formate solution; and (b) diluting the concentrate with water to hydrate the hydratable polymer. Such a method is not disclosed, motivated, or suggested by Briscoe '145 or Loftin '297 alone or in combination. Claims 2 and 6-9 depend directly or indirectly from claim 1 and therefore include at least the same elements as claim 1.

Claim 11 is in independent form and is directed to a liquid gel concentrate composition that includes at least one unhydrated hydratable polymer dispersed in an aqueous formate solution, wherein formate alone, or together with an inhibitor in the aqueous formate solution, inhibits hydration of the at least one unhydrated hydratable polymer, wherein the at least one

unhydrated hydratable polymer yields viscosity upon hydration, the unhydrated hydratable polymer comprising a polysaccharide selected from the group consisting of guar gum, hydroxypropyl guar, depolymerized hydroxypropyl guar, carboxymethyl guar and carboxymethylhydroxypropyl guar, and being present in an amount of from about 100 to about 6000 lbs/1000 gals. of the aqueous formate solution. Such a composition is not disclosed, motivated, or suggested by Briscoe '145 or Loftin '297 alone or in combination. Claims 12, 17-20, and 22 depend directly or indirectly from claim 11, and therefore include at least the same elements as claim 11.

Briscoe '145 discloses a liquid gel concentrate that includes water, a hydratable polymer or mixture of polymers which yield viscosity upon hydration and an inhibitor which has the property of reversibly reacting with the hydratable polymer or polymers in a manner whereby the rate of hydration of the polymer is retarded. Contrary to claims 1 and 11, however, Briscoe '145 does not disclose or suggest a method of forming a high viscosity aqueous treating fluid or a liquid gel concentrate composition that includes at least one unhydrated hydratable polymer dispersed in an aqueous formate solution, and inhibiting hydration of the at least one unhydrated hydratable polymer using formate alone, or together with an inhibitor in a gel concentrate.

Loftin '297 discloses a well drilling and completion fluid composition that includes water, a viscosity increasing agent, a fluid loss reducer and rheology stabilizing agent, and one or more water-soluble clay-stabilizing organic salts. Contrary to claims 1 and 11, however, Loftin does not disclose or suggest a method of forming a high viscosity aqueous treating fluid or a liquid gel concentrate composition that includes at least one unhydrated hydratable polymer dispersed in an aqueous formate solution including inhibiting hydration of the at least one unhydrated hydratable polymer using formate alone, or together with an inhibitor in a gel concentrate.

To sustain a rejection of claims 1, 2, 6-9, 11, 12, 17-20, and 22 under 35 U.S.C.§103(a), a prima facie case of obviousness must be established. MPEP§2142 provides that a prima facie case of obviousness requires three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. In the present case, none of the criteria set forth in MPEP§2142

have been satisfied with respect to independent claims 1 or 11 or claims 2, 6-9, 12, 17-20, and 22 which depend therefrom.

1. *There is no suggestion or motivation to modify the references or to combine reference teachings.*

As discussed above, Briscoe '145 discloses a liquid gel concentrate that includes water, a hydratable polymer or mixture of polymers which yield viscosity upon hydration and an inhibitor which has the property of reversibly reacting with the hydratable polymer or polymers in a manner whereby the rate of hydration of the polymer is retarded.

As discussed above, Loftin '297 discloses a well drilling and completion fluid composition that includes water, a viscosity increasing agent, a fluid loss reducer and rheology stabilizing agent, and one or more water-soluble clay-stabilizing organic salts.

There simply is no suggestion or motivation to combine the disclosures of Briscoe '145 and Loftin '297. In this regard it is noted that MPEP§2143.01 provides that:

> "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. (emphasis in original)."

Briscoe '145 discloses methods and compositions for a liquid gel concentrate that upon hydration can form a high viscosity aqueous well treating fluid used to increase the recovery of hydrocarbons from subterranean formations and can substantially reduce the manpower and equipment required of mixing a well drilling fluid at a job site, whereas Loftin '297 discloses a well drilling and completion fluid composition that has excellent stability over a broad temperature range, has low tubular goods corrosion rate, prevents the sloughing of clay-containing materials and is environmentally acceptable.

Applicants disagree with the Examiner's position that one of ordinary skill in the art would be motivated to combine the clay stabilizers for the well treatment fluid taught in Loftin '297 with the clay stabilizers in liquid gel concentrate of Briscoe '145. Particularly, it would not be obvious to use the clay stabilizers of Loftin '297 in the composition of Briscoe '145 because the problems specifically addressed by Briscoe '145 and Loftin '297 are not sufficiently similar to provide motivation to combine the teachings. In particular, Briscoe '145 addresses the

problems of chemical dusting, uneven mixing of the well fluid, a great deal of manpower, and special mixing equipment required by conventional mixing of dry additives with water to prepare a high viscosity treating fluid at a job site (see col. 1, lines 20-36), while Loftin '297 addresses the problems of unstable rheological functions, filtration control, and corrosion to the tubular goods in a well bore caused by well drilling fluids specifically containing potassium chloride or potassium hydroxide (see col. 1, lines 29-57).

Applicants further point out that Briscoe '145 preferably contains one or more clay stabilizers such as potassium chloride, while Loftin '297 expressly excludes the use of potassium chloride as a clay stabilizer. In this regard, Loftin '297 teaches away from combining Briscoe '145 and Loftin '297. As noted by the Court of Appeals for the Federal Circuit:

> "A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant. The degree of teaching away will of course depend on the particular facts; in general, a reference will teach away if it suggests that the line of development flowing from the reference's disclosure is unlikely to be productive of the result sought by the applicant."

(*In re Gurley*, 31 USPQ2d 1130, 1131 (Fed. Cir. 1994)).

Loftin '297 specifically discourages the use of potassium chloride as a clay stabilizer at column 1, lines 35-45:

> "Drilling fluids containing potassium chloride in the quantity required to provide sufficient potassium ion concentration to prevent clay swelling and sloughing of formation materials frequently have demonstrated unstable rheological and filtration control properties. The high chloride ion content also causes the fluids to be more corrosive to tubular goods in the well bore and creates disposal problems. In addition, high chloride ion levels in drilling and completion fluids make electric logs and other analytical procedures carried out therein more difficult to interpret." (Emphasis added)

The liquid gel concentrate of Briscoe '145 preferably contains a clay stabilizer such as potassium chloride (see col. 5, lines 27-32). Thus, the Briscoe '145 teaching of potassium chloride as a clay stabilizer is contrary to the teachings in Loftin '297. Combining Briscoe '145 and Loftin '297 could destroy the ability of compositions of Briscoe '145 and Loftin '297 to

achieve their respective functions. Therefore, those of ordinary skill in the art would not be motivated to combine the compositions of Briscoe '145 and Loftin '297.

2. *There is no reasonable expectation of success.*

A composition that provides selective hydration of suspended polymers in a liquid gel concentrate and can be mixed at a job site as disclosed in Briscoe '145 and a composition that has excellent stability over a broad temperature range, a low tubular corrosion rate, prevents sloughing of clay-containing materials, and is environmentally acceptable as disclosed in Loftin '297 are quite specialized and are quite distinct. As such, compositions that provide selective hydration of suspended polymers in a liquid gel concentrate are not necessarily suitable for use in a composition for achieving excellent stability over a broad temperature range, and that has a low tubular corrosion rate, prevents sloughing of clay containing materials, and is environmentally acceptable.

Modifying the Briscoe '145 clay stabilizers with the clay stabilizers of Loftin '297 could destroy the ability of the liquid gel concentrate in Briscoe '145 and the well treating fluid of Loftin '297 to successfully achieve their respective functions. If the potassium chloride clay stabilizer disclosed in Briscoe '145 were to be combined with the Loftin '297 composition, one of ordinary skill in the art would not have a reasonable expectation of success because the combination would have a high chloride content and would cause a number of problems inherent with the high chloride content such as those described in Loftin '297 (see col. 1, lines 35-45). Accordingly, one of ordinary skill in the art would not have a reasonable expectation of success from a combination of the disclosures of Briscoe '145 and Loftin '297.

3. *The prior art references do not teach or suggest all the claim limitations.*

As discussed above, there is no motivation or suggestion for combining the disclosures of Briscoe '145 and Loftin '297. Neither Briscoe '145 nor Loftin '297, alone or in combination, discloses, motivates, or suggests each and every element of claims 1, 2, 6-9, 11, 12, 17-20, and 22.

Even if a motivation or suggestion could be found for combining the teachings of Briscoe '145 and Loftin '297, the resulting combination would not disclose, motivate, or suggest each

and every element of claims 1, 2, 6-9, 11, 12, 17-20, and 22. Specifically, for example, neither Briscoe '145 nor Loftin '297 even remotely discloses, suggests, or motivates a liquid gel concentrate composition or a method of forming a high viscosity aqueous treating fluid that includes preparing a liquid gel concentrate that includes at least one unhydrated hydratable polymer dispersed in an aqueous formate solution, and inhibiting hydration of the at least one unhydrated hydratable polymer using formate alone, or together with an inhibitor in a gel concentrate.

In view of the foregoing, Applicants submit that Briscoe '145 and Loftin '297, either alone or in combination, fail to satisfy each of the three requirements of a prima facie case of obviousness. Failure to satisfy even one of the requirements negates the prima facie case. Accordingly, Applicants submit that a rejection of claims 1, 2, 6-9, 11, 12, 17-20, and 22 under 35 U.S.C. § 103(a) over Briscoe '145 in view of Loftin '297 is improper and respectfully request that the rejection be withdrawn.

Claims 1, 9, 10, 11, 20 and 21 stand rejected under 35 U.S.C. § 103(a) over Briscoe '145 in view of Loftin '297 as applied to claims 1, 6-9, 11, 12 and 17-20, and further in view of U.S. Patent No. 5,629,271 to Dobson ("Dobson '271"). As noted above, claims 1 and 11 have been amended, and claim 22 has been added. Insofar as it may be applied to the present claims, this rejection is respectfully traversed.

As discussed above with respect to the rejection of independent claims 1 and 11 under 35 U.S.C. § 103(a), there is no motivation, suggestion for combining the disclosures of Briscoe '145 and Loftin '297. Additionally, the resulting combination of Briscoe '145 and Loftin '297 would not disclose, motivate, or suggest each and every element of claims 1 and 11. The examiner has failed to meet the requirements of a prima facie case of obviousness with respect to claims 1 and 11 using the combined teachings of Briscoe '145 and Loftin '297. Furthermore, Dobson '271 cannot be properly combined with Briscoe '145 and Loftin '297 so as to provide the subject matter missing from Briscoe '145 and Loftin '297 with respect to claims 1 and 11.

As discussed above, Claim 1 is directed to a method of forming a high viscosity aqueous treating fluid that includes (a) preparing a liquid gel concentrate comprised of at least one unhydrated hydratable polymer dispersed in an aqueous formate solution, and inhibiting hydration of the at least one unhydrated hydratable polymer using formate alone, or together

with an inhibitor in the gel concentrate, and the at least one unhydrated hydratable polymer yielding viscosity upon hydration, the unhydrated hydratable polymer comprising a polysaccharide selected from the group consisting of guar gum, hydroxypropyl guar, depolymerized hydroxypropyl guar, carboxymethyl guar and carboxymethylhydroxypropyl guar, and being present in the concentrate in an amount of from about 100 to about 6000 lbs/1000 gals. of the aqueous formate solution; and (b) diluting the concentrate with water to hydrate the hydratable polymer. Claim 9 depends directly from claim 1 and provides that the liquid gel concentrate can include at least one suspending agent for suspending the hydratable polymer in the liquid gel concentrate. Claim 10 depends from claim 9 and provides that the suspending agent can be selected from succinoglucan biopolymer and welan gum. Such methods are not disclosed, motivated, or suggested by Briscoe '145, Loftin '297, or Dobson '271 alone or in combination.

As discussed above, claim 11 is directed to a liquid gel concentrate composition that includes at least one unhydrated hydratable polymer dispersed in an aqueous formate solution, wherein formate alone, or together with an inhibitor in the aqueous formate solution, inhibits hydration of the at least one unhydrated hydratable polymer, wherein the at least one unhydrated hydratable polymer yields viscosity upon hydration, the unhydrated hydratable polymer comprising a polysaccharide selected from the group consisting of guar gum, hydroxypropyl guar, depolymerized hydroxypropyl guar, carboxymethyl guar and carboxymethylhydroxypropyl guar, and being present in an amount of from about 100 to about 6000 lbs/1000 gals. of the aqueous formate solution. Claim 20 depends directly from claim 11 and provides a suspending agent for suspending the hydratable polymer in the liquid gel concentrate. Claim 21 depends from claim 20 and provides that the suspending agent can be selected from succinoglucan biopolymer and welan gum for suspending the hydratable polymer in the liquid gel concentrate. Claim 22 depends directly from 11 and provides that the formate disperses and suspends the at least one unhydrated hydratable polymer in the liquid gel concentrate. Such compositions are not disclosed, motivated, or suggested by Briscoe '145, Loftin '297, or Dobson '271 alone or in combination.

As discussed above, Briscoe '145 discloses a liquid gel concentrate that includes water, a hydratable polymer or mixture of polymers which yield viscosity upon hydration and an inhibitor which has the property of reversibly reacting with the hydratable polymer or polymers in a

manner whereby the rate of hydration of the polymer is retarded. Contrary to claims 1 and 11, however, Briscoe '145 does not disclose or suggest a method of forming a high viscosity aqueous treating fluid or a liquid gel concentrate composition that includes at least one unhydrated hydratable polymer dispersed in an aqueous formate solution, and inhibiting hydration of the at least one unhydrated hydratable polymer using formate alone, or together with an inhibitor in a gel concentrate.

As discussed above, Loftin '297 discloses a well drilling and completion fluid composition that includes water, a viscosity increasing agent, a fluid loss reducer and rheology stabilizing agent, and one or more water-soluble clay-stabilizing organic salts. Contrary to claims 1 and 11, however, Loftin '297 does not disclose or suggest a method of forming a high viscosity aqueous treating fluid or a liquid gel concentrate composition that includes at least one unhydrated hydratable polymer dispersed in an aqueous formate solution, and including inhibiting hydration of the at least one unhydrated hydratable polymer using formate alone, or together with an inhibitor in a gel concentrate.

Dobson '271 discloses a method for reducing and providing a desired degree of fluid loss control to a well drilling service fluid which contains at least one polymeric viscosifier, at least one polymeric fluid loss control additive, and a water soluble bridging agent suspended in a liquid in which the bridging agent is not soluble, the methods comprising adding to the fluids a particulate, water soluble, ultra fine filtrate reducing agent having a particle size distribution such that at least 90% of the particles thereof are less than 10 micrometers and the average particle size is from about 3 to about 5 micrometers, the ultra fine filtrate reducing agent being insoluble in the liquid. Contrary to claims 1 and 11, however, Dobson' 271 does not disclose or suggest a method of forming a high viscosity aqueous treating fluid or a liquid gel concentrate composition that includes at least one unhydrated hydratable polymer dispersed in an aqueous formate solution, and including inhibiting hydration of the at least one unhydrated hydratable polymer using formate alone, or together with an inhibitor in a gel concentrate

To sustain a rejection of claims 1, 9, 10, 11, 20, 21, and 22 under 35 USC § 103(a), a prima facie case of obviousness must be established. MPEP § 2142 provides that a prima facie case of obviousness requires three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second,

there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. In the present case, none of the criteria set forth in MPEP§2142 have been satisfied with respect to independent claims 1 or 11 or claims 9, 10, 20, 21, and 22 which depend therefrom.

1. *There is no suggestion or motivation to modify the references or to combine reference teachings.*

There is no suggestion or motivation to combine the disclosures of Briscoe '145, Loftin '297 and Dobson '271.

As discussed above, Briscoe '145 discloses a liquid gel concentrate that includes water, a hydratable polymer or mixture of polymers which yield viscosity upon hydration and an inhibitor which has the property of reversibly reacting with the hydratable polymer or polymers in a manner whereby the rate of hydration of the polymer is retarded.

Also as discussed above, Loftin '297 discloses a well drilling and completion fluid composition that includes water, a viscosity increasing agent, a fluid loss reducer and rheology stabilizing agent, and one or more water-soluble clay-stabilizing organic salts.

As further discussed above, Dobson '271 discloses a method for reducing fluid loss and providing a desired degree of fluid loss using a fluid that contains at least one polymeric viscosifier, at least one polymeric fluid loss control additive, and a water soluble bridging agent suspended in a liquid in which the bridging agent is not soluble; and adding to the fluids a particulate, water soluble, ultra fine filtrate reducing agent having a particle size distribution such that at least 90% of the particles thereof are less than 10 micrometers and the average particle size is from about 3 to about 5 micrometers, the ultra fine filtrate reducing agent being insoluble in the liquid.

Applicants disagree with the Examiner's position that one of ordinary skill in the art would be motivated to combine the clay stabilizers in the liquid gel concentrate of the Briscoe '145 with the clay stabilizers of the Loftin '297 because: (1) Briscoe '145 and Loftin '297 do not address sufficiently similar problems to provide such a motivation; and (2) the clay stabilizers taught in Loftin '297 are contrary to the Briscoe '145 teaching of potassium chloride as a clay stabilizer and could destroy the ability of the Briscoe '145 and Loftin '297 compositions to achieve their respective functions.

Furthermore, there simply is no suggestion or motivation to combine the disclosures of Briscoe '145 and Loftin '297 with Dobson '271. Particularly, the liquid gel concentrate in Briscoe '145 solves the problems of chemical dusting, uneven mixing of a well fluid, a great deal of manpower, and special mixing equipment for mixing a well fluid at a job site. The composition in Loftin '297, as discussed above, addresses the problems of unstable rheological functions, filtration control problems, and corrosion to tubular goods in a well bore caused by well drilling fluids containing potassium chloride or potassium hydroxide. In contrast to both Briscoe '145 and Loftin '297, the methods and compositions disclosed in Dobson '271 address the problem of undesired fluid loss at the face of a wellbore. The methods and compositions taught by Dobson '271 are designed to achieve specialized and distinct purposes of reducing the concentration of polymer required to provide a desired degree of fluid loss and reducing fluid loss at the face of a wellbore. Consequently, those of ordinary skill in the art would not be motivated to combine the teachings for achieving high viscosity aqueous well treating fluids of Briscoe '145 and a potassium chloride and potassium hydroxide free well fluid of Loftin '297 with the Dobson '271 fluid that provides a desired degree of fluid loss and reduces fluid loss at the wellbore.

2. *There is no reasonable expectation of success*

A composition that provides selective hydration of suspended polymers in a liquid gel concentrate and can be mixed at a job site as disclosed in Briscoe '145 and a composition that has excellent stability over a broad temperature range, a low tubular corrosion rate, prevents sloughing of clay-containing materials, and is environmentally acceptable as disclosed in Loftin '297 are quite specialized and distinct. As such, the teachings of Briscoe '145 and Loftin '297 are not necessarily suitable for use in a fluid designed to reduce the concentration of polymer required to provide a desired degree of fluid loss and to reduce fluid loss at the wellbore as taught by Dobson '271.

Applicants particularly point out that the liquid gel concentrate disclosed in Briscoe '145 has polymers present in the aqueous concentrate in an amount in the range of about 100 to about 3000 lbs/1000 gallons of water (col. 3, lines 43-46), while Dobson '271 teaches a formulation that contains a lower concentration of polymers by incorporating an ultra fine filtrate reducing agent, hereinafter "UFFRA", in the fluids. The examples in Dobson '271 provide a range of

polymer concentration from 0.25-1.25 lbs/bbl of the polymer xanthan gum, which can be converted to about 5.95 to about 29.76 lbs/1000 gallons of water (assuming a bbl is 42 gallons). Therefore, the range of polymers in Dobson '271 is lower in concentration than in the liquid gel concentrate of Briscoe '145. Modification of the methods or compositions disclosed in Dobson '271 could destroy the ability of the methods and compositions to achieve their intended functions, namely the reduced polymer concentration advantageously provides a desired degree of fluid loss control, a lower cost fluid, and a more efficient filter cake removal from the sides of the wellbore (col. 2, lines 10-16; col. 4, lines 36-54). Accordingly, one of ordinary skill in the art would not expect success from a combination of Briscoe '145 and Dobson '271.

Applicants also particularly point out that Loftin '297 teaches a viscosity increasing agent that can be a clay such as sepiolite clay, attapulgite clay, and montmorillonite clay (col. 2, lines 25-40), whereas Dobson '271 teaches a clay-free fluid (col. 1, lines 25-34) that uses at least one polymeric viscosifier. The colloidal properties of the polymers in Dobson '271 greatly affect the role of such polymers in well drilling and servicing fluids (col. 2, lines 66-67). Modifying the viscosifier in Dobson '271 could destroy the ability of the methods and compositions to achieve their desired functions; therefore, one of ordinary skill in the art would not expect success from a combination of Loftin '297 and Dobson '271.

3. *The prior art references do not teach or suggest all the claim limitations.*

As discussed above, there is no motivation or suggestion for combining the disclosures of Briscoe '145, Loftin '297, and Dobson '271. None of Briscoe '145, Loftin '297, or Dobson '271, alone or in combination, discloses, motivates or suggests each and every element of claims 1, 9, 10, 11, 20, 21, and 22.

Even if a motivation or suggestion could be found for combining the disclosures of Briscoe '145, Loftin '297 and Dobson '271, the resulting combination would not disclose, motivate or suggest each and every element of claims 1, 9, 10, 11, 20, 21, and 22. Specifically, for example, none of Briscoe '145, Loftin '297, and Dobson '271 even remotely discloses, suggests, or motivates a liquid gel concentrate composition or a method of forming a high viscosity aqueous treating fluid that includes preparing a liquid gel concentrate that includes at least one unhydrated hydratable polymer dispersed in an aqueous formate solution, and

inhibiting hydration of the at least one unhydrated hydratable polymer using formate alone, or together with an inhibitor in a gel concentrate.

In view of the foregoing, Applicants submit that Briscoe '145, Loftin '297 and Dobson '271, either alone or in combination, fail to satisfy each of the three requirements of a prima facie case of obviousness. Failure to satisfy even one of the requirements negates the prima facie case. Accordingly, Applicants submit that a rejection of claims 1, 9, 10, 11, 20, 21, and 22 under 35 U.S.C.§103(a) over Briscoe '145 in view of Loftin '297 and further in view of Dobson '271 is improper and should be withdrawn.

C. **New Claim 23**

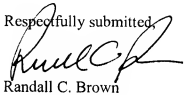
Claim 23 is in independent form and is directed to a liquid gel concentrate composition that includes at least one unhydrated hydratable polymer dispersed in an aqueous sodium formate solution, wherein sodium formate together with an inhibitor comprising a boron compound and a pH adjusting compound in the aqueous formate solution, inhibits hydration of the at least one unhydrated hydratable polymer, wherein the at least one unhydrated hydratable polymer yields viscosity upon hydration, the unhydrated hydratable polymer comprising a polysaccharide selected from the group consisting of guar gum, depolymerized hydroxypropyl guar, carboxymethyl guar and carboxymethylhydroxypropyl guar, and being present in an amount of from about 100 to about 6000 lbs/1000 gals. of the aqueous sodium formate solution; and a suspending agent can be a succinoglucan biopolymer for suspending the at least one unhydrated hydratable polymer in the liquid gel concentrate. It is respectfully submitted that such a composition is not disclosed, motivated, or suggested by Briscoe '145, Loftin '297, or Dobson '271 alone or in combination. Therefore, Applicants respectfully submit that claim 23 is in condition for allowance.

D. Conclusion

It is believed that all matters set forth in the Office action have been addressed. Favorable consideration and allowance of claims 1, 2, 6-12 and 17-23 are respectfully requested.

Should the Examiner deem that an interview with Applicants' undersigned attorney would expedite consideration of the claims, the Examiner is invited to call the undersigned attorney at the telephone number indicated below.

Respectfully submitted,



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